

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**J.W., a minor, by and through Amanda Williams
as guardian and next friend**

PLAINTIFF

VS.

CIVIL ACTION NUMBER 3:21-cv-663-CWR-LGI

**THE CITY OF JACKSON, MISSISSIPPI; CHOWKE A.
LUMUMBA, JR.; TONY YARBER; KISHIA POWELL;
ROBERT MILLER; JARRIOT SMASH; THE MISSISSIPPI
STATE DEPARTMENT OF HEALTH; JIM CRAIG; TRILOGY
ENGINEERING SERVICES, LLC; AND JOHN DOES 1 – 40**

DEFENDANTS

UNOPPOSED MOTION FOR EXTENSION OF TIME

COMES NOW, the Mississippi State Department of Health and Jim Craig (hereafter “State Defendants”), by and through counsel of record, and respectfully moves this Court for an agreed extension of the deadline for them to respond to the Plaintiff’s Original Complaint and Jury Trial Demand, as follows:

1. Plaintiff, J.W., a Minor, by and through Amanda Williams, as Guardian and Next Friend (herein “Plaintiff”), filed an Original Complaint with Jury Demand (the “Complaint”) on October 19, 2021. [ECF Doc. 1].

2. The State Defendants responsive pleading is not yet due. The State Defendants request an extension up to and including January 12, 2022, in which to file their responsive pleading to the Plaintiff’s Complaint.

3. The undersigned has conferred with counsel for Plaintiff who has no objection to the relief sought.

4. The State Defendants’ co-defendants, the City of Jackson, Mississippi; Chokwe A. Lumumba, Jr.; Tony Yarber; Kishia Powell; Robert Miller; Jarriot Smash; and Trilogy

Engineering Services, LLC; have already received the same responsive pleading deadline extension, *i.e.*, to January 12, 2022; being requested herein. Therefore, the relief sought will not delay the administration of this matter in any way. Further, this request is being made for good cause and is not made for the purpose of delay, harassment, or any other purpose rooted in bad faith.

5. It is also agreed between the Plaintiff and the Defendants Mississippi State Department of Health and Jim Craig that the Mississippi State Department of Health and Jim Craig will waive all service of process objections or defenses.

WHEREFORE, PREMISES CONSIDERED, the Mississippi State Department of Health and Jim Craig, request that this Court enter an order extending the time for them to file their Answer and Affirmative Defenses to the Plaintiff's Original Complaint and Jury Trial Demand until and including January 12, 2022.

This the 7th day of December, 2021.

Respectfully submitted,

MISSISSIPPI STATE DEPARTMENT OF
HEALTH AND JIM CRAIG

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Gerald L. Kucia
GERALD L. KUCIA (MSB #8716)
Special Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
Post Office Box 220
Jackson, Mississippi 39205-0220
Tel.: (601) 359-4072
Fax: (601) 359-2003
Gerald.kucia@ago.ms.gov

ATTORNEY FOR DEFENDANTS MISSISSIPPI
STATE DEPARTMENT OF HEALTH AND
JIM CRAIG

CERTIFICATE OF SERVICE

I, Gerald L. Kucia, Special Assistant Attorney General and attorney for Defendants Mississippi State Department of Health and Jim Craig do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing to the Court's ECF system which sent notification of such filing to all counsel of record.

s/Gerald L. Kucia
GERALD L. KUCIA (MSB #8716)
Special Assistant Attorney General